



**National Pollutant Discharge Elimination System
GENERAL PERMIT FACT SHEET for
NPDES Phase II Municipal Separate Storm Sewer System
NPDES Permit Number INR040000
October 20, 2020**

Indiana Department of Environmental Management

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Existing Permit Information:	Permit Number: Existing municipalities and entities currently permitted under 327 IAC 15-13 have general permit tracking numbers using the following format INR040xxx. However, where a MS4 is co-permitted with another MS4, each co-permitted MS4 will have a specific number based on the primary or lead MS4.
	Expiration Date: Under 327 IAC 15-13, each permitted entity has a unique expiration date based on five (5) years from when coverage commences. Under the new administrative general permit, all permitted MS4s will have the same expiration date.
Source Location:	Statewide
Receiving Stream(s):	All waters of the state of Indiana.
Proposed Action:	The new administrative NPDES general permit utilizing the comprehensive permitting approach will replace the existing NPDES general permit-by-rule (327 IAC 15-13)
Source Category:	NPDES – Minor Municipal Separate Storm Sewer Systems (MS4)
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The Federal Water Pollution Control Act (also referred to as The Clean Water Act (CWA) (33 U.S.C. 1251 et seq.), which was enacted in 1972, provides that the discharge of pollutants to the waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The primary condition determining eligibility is ensuring that the discharges from all designated municipal separate storm sewer system (MS4) outfalls consists of only stormwater and allowable non-stormwater. Dischargers who meet the eligibility requirements must obtain coverage under this NPDES general permit, instead of applying for coverage under an individual NPDES permit.

Development of a fact sheet for NPDES permits is required by Title 40 of the Code of Federal Regulations, Section 124.8 and 124.56. This document fulfills the requirements established in those regulations by providing the information necessary to inform the public of actions proposed by the Indiana Department of Environmental Management (IDEM) as outlined in 40 CFR 122.28 and 327 IAC 5-3-8.

This fact sheet was prepared to document the factors considered in the development of NPDES General Stormwater Permit. The fact Sheet provides examples through references of methods that an MS4 can use to achieve the requirements that are identified in the permit (Section O).

A. Description of General Permit Category:

The purpose of the general permit is to regulate discharges from small municipal separate storm sewer systems (MS4s). A MS4 is an entity that has been designated by the agency based on population and population density based on the most recent census data. Each MS4, once designated, is required to develop a comprehensive stormwater program that addresses stormwater run-off discharges from outfalls that the MS4 owns and/or operates. The general permit is a performance-based regulation to reduce pollutants that are associated with run-off from the MS4 jurisdictional area.

NPDES general permits are developed and issued to cover multiple facilities engaged in the same process category instead of an individual facility within the State of Indiana. In this case, the general permits are issued to MS4s that may either be a city, town, county, or a non-traditional (university, or census defined place, etc.) that meets the designation criteria. IDEM first developed a general NPDES permit-by-rule (327 IAC 15-13) for stormwater discharges related MS4s in 2003. As a result of statutory changes to Indiana law, IDEM is now changing its method of administering NPDES general permits by changing from a permit-by-rule format to an administrative format which utilizes a "master general permit" (EPA terminology) which will be renewed and reevaluated on a five-year interval. MS4s who seek coverage under the master general permit will be assigned a unique permit number beginning with INR040xxx.

The dischargers covered under this general permit are required to administer the same principles and performance standards to manage stormwater. This permit specifies minimum practices, measures, and controls that IDEM determined appropriate for complying with pollutant reduction control requirements. In addition, each MS4 is required to develop a stormwater quality management plan (SWQMP) that requires the MS4 to establish goals and objectives of how they will achieve specific requirements for each minimum control measure (MCM). The MS4 must also evaluate local resource issues and establish goals and objectives to address stormwater run-off issues.

The designated MS4 permittees are not exempt from compliance with state water quality standards. Discharges from MS4 conveyances must achieve state water quality standards. Implementation of the Stormwater Quality Management Plan (SWQMP) will provide adequate protection to achieve Indiana water quality standards. However, if the

SWQMP is not adequate, this permit requires the permittee to modify the SWQMP to meet Indiana water quality standards.

Indiana currently has 184 MS4s. In 2020, it is anticipated additional 43 MS4s will be designated and required to obtain permit coverage. Since the permit requirements for discharges from MS4s are similar, it is the opinion of IDEM that this category of sources is controlled more appropriately under a NPDES general permit rather than under individual permits.

B. Geographic Area Covered:

This general permit is intended to cover discharges from designated MS4s within the boundaries of the state of Indiana. This permit applies to MS4 conveyances under the ownership, control or jurisdiction of the permittee that contributes to discharges from a MS4.

C. Receiving Waters:

This general permit will authorize discharges to all waters of the State of Indiana.

D. Eligibility:

Discharges authorized by this permit will include MS4s that are currently permitted. In addition, IDEM will identify and designate new MS4 entities based on the population and population density from the most recent census data and other criteria. Once designated, these MS4s will be required to obtain permit coverage under this general permit.

This permit authorizes the discharge of stormwater to waters of the state from all outfalls owned and/or operated by a MS4. MS4 as defined in 40 CFR 122.26(b)(8) means, in part, a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains. New areas (and their associated outfalls) shall be added to the MS4 area mapping and identified in the annual report.

This permit also authorizes the discharge of stormwater combined with flows from process wastewater, non-process wastewater, stormwater associated with industrial activity, or other non-stormwater discharges, to waters of the state from outfalls of the MS4 owned and/or operated conveyances, provided the discharges are regulated by other NPDES permits or are otherwise authorized.

The following non-stormwater discharges or flows are authorized by this permit provided they are not identified by either the MS4 Operator or IDEM as significant sources of pollutants to waters of the state. The MS4 Operator shall incorporate appropriate control measures in the SWQMP if any of these discharges are identified as a significant source of pollutants. IDEM may add or remove categories of the non-stormwater discharges listed below.

- (1) water line and hydrant flushing

- (2) irrigation water
- (3) uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20))
- (4) uncontaminated pumped ground water
- (5) discharges from potable water sources
- (6) Footing, foundation, and crawl space drains (uncontaminated)
- (7) Uncontaminated condensate from air conditioning units, coolers, and other compressors, and from outside storage of refrigerated gases or liquids
- (8) springs
- (9) non-commercial car washing by residents or by non-profit organizations
- (10) dechlorinated/debrominated swimming pool discharges
- (11) Pavement wash waters provided spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used
- (12) Storm sewer cleaning water (Uncontaminated)
- (13) Residential car washing
- (14) External building wash down, without detergents
- (15) fire suppression activities
- (16) rising ground waters

The following discharges are not authorized by this permit:

Direct discharges into waters that are designated as an Outstanding National Resource Water (ONRW) defined at IC 13-11-2-149.5 or an Outstanding State Resource Water (OSRW) defined at IC 13-11-2-149.6 and listed at 327 IAC 2-1.3-3(d) when the commissioner determines that a discharge will significantly lower water quality as defined under 327 IAC 2-1.3-2(50) of such a water downstream of that discharge.

E. Application for Coverage:

This general permit proposes to provide coverage for any MS4 permittee which meets the criteria under the terms of the general permit. All designated municipal separate storm sewer system (MS4) must comply with this general permit.

Each MS4 applying for coverage under this general permit must submit a notice of intent (NOI). Federal regulations found in 40 CFR 122.21(a) exclude persons covered by general permits from requirements to submit an application for an individual permit. NOI requirements are intended to establish a mechanism that can be used to establish a clear accounting of the number of permittees covered by the general permit, the identities, locations, mailing addresses, and the nature of the discharges covered by the general permit.

F. Antidegradation Evaluation:

According to 327 IAC 2-1.3-1(b), the antidegradation implementation procedures in 327 IAC 2-1.3-5 and 2-1.3-6 apply to a proposed new or increased loading of a regulated pollutant to surface waters of the state from a deliberate activity subject to the Clean

Water Act, including a change in process or operation that will result in a significant lowering of water quality. There are no regulated pollutants in the expected discharge from MS4s that have numeric water quality criterion and therefore, the Tier 2 antidegradation standard does not apply to any new or existing discharge from these operations because the discharge cannot cause a significant lowering of water quality in the receiving waterbody.

The following antidegradation determination is based on 327 IAC 2-1.3 for stormwater discharges from MS4 entities and allowable non-stormwater discharges. Development and implementation of a stormwater quality management plan (SWQMP) that requires the MS4 to implement specific permit requirements and assess stormwater run-off and land use within their jurisdictional area and develop specific goals and objectives for the six minimum control measures (Public Education, Public Involvement, Illicit Discharge Detection and Elimination, Construction Site Run-off, Post-construction Run-off, and Good Housekeeping) will meet applicable water quality standards and will not cause a significant lowering of water quality. Therefore, stormwater discharges are in compliance with Antidegradation Standards and Implementation Procedures found in 327 IAC 2-1.3 and an Antidegradation Demonstration is not required.

G. When to Apply:

All dischargers seeking coverage under this general permit must submit a notice of intent (NOI) for this specific general permit which will be provided by the commissioner. The NOI must be signed by a person who has the appropriate signatory authority as required by 40 CFR 122.22.

The NOI shall contain all required elements of this general permit and the NOI shall be submitted to IDEM according to the method set forth in this general permit.

H. Permit Conditions:

The permit requires compliance with:

(1) Narrative Water Quality Based Limits

The narrative water quality standards contained in 327 IAC 2-1-6(a) (1) (A)-(E) and 327 IAC 2-1.5-8 have been included in this general permit to ensure that the narrative water quality criteria are met.

(2) Effluent Limits (Performance Requirements) and Monitoring Requirements:

Under State and Federal law and regulations 40 CFR 122.44 and 327 IAC 5, a discharge permit must establish effluent limitations equivalent to best available technology economically achievable (BAT). For some industry categories, such effluent limitations have already been established by the EPA.

Parameters regulated under the permit include the discharge of pollutants that are associated with run-off from activities that occur within the jurisdictional area of the MS4 including, but not limited to infrastructure and land owned and/or operated by the MS4, active construction sites, and commercial, industrial, and citizen actions that

are considered illicit in nature. The following water quality standards apply to any existing permit.

- (a) The discharge shall not contain substances, materials, floating debris, oil, scum, or other pollutants that will settle to form putrescent or otherwise objectionable deposits;
 - (b) The discharge shall not contain substances that are in amounts sufficient to be unsightly or deleterious;
 - (c) The discharge shall not contain oil or other substances that produce color, visible oil sheen, odor, or other conditions in such degree as to create a nuisance;
 - (d) The discharge shall not contain substances which are in amounts sufficient to be acutely toxic to, or to otherwise severely injure or kill aquatic life, other animals, plants, or humans;
 - (e) The discharge shall not contain substances which are in concentrations or combinations that will cause or contribute to the growth of aquatic plants or algae to such a degree as to create a nuisance, be unsightly, or otherwise impair the designated uses.
- (3) General performance requirements applicable to all MS4s obtaining permit coverage:
- (a) Develop a stormwater quality management plan (SWQMP) that must include operational procedures and stormwater management measures based on sound planning and design principles that will reduce the discharge of pollutants from MS4 conveyance systems to meet the Indiana narrative water quality standards listed in the permit. The SWQMP must address specific requirements for six (6) minimum control measures (MCM). The MCMs include (1) public education, participation, outreach and involvement (3) illicit discharge detection and elimination, (4) construction site storm water run-off control, (5) post-construction stormwater run-off control, (6) municipal operations/pollution prevention and good housekeeping.

The MS4 Operator is required to implement, and as necessary modify, the SWQMP. In addition, the MS4 is required to enforce specific minimum control measures through the development of ordinances or regulatory methods. The SWQMP must include the measures necessary to reduce the discharge of pollutants from the MS4 conveyances to meet Indiana water quality standards. These standards shall be met using controls which may consist of storm water management measures, control techniques and systems, design and engineering methods, public participation and education, and other appropriate provisions. The MS4 may work with other agencies or organizations to satisfy program elements of the SWQMP.

- (b) For each MCM, there are specific goals and objectives required by the permit that must be met. In addition, the MS4 must evaluate local resource issues and as necessary develop goals and objectives as part of their local program.
- (c) The MS4 Operator is required to submit signed certifications for each minimum control measure to verify program elements are in effect and are being or will be administered in accordance with the permit. The certifications are only required of newly designated MS4s and must be submitted within specific deadlines as established in the permit.
- (d) The MS4 Operator must conduct an annual assessment of the effectiveness of their MS4 program and as appropriate modify and/or update the SWQMP.
- (e) The MS4 Operator must submit an annual report each year that includes a program assessment including areas that have been identified to improve and enhance program effectiveness.

I. Legal Authority:

The MS4 Operator shall operate pursuant to its legal authority to control discharges to and from those portions of the MS4 owned and/or operated conveyances. This legal authority may be a combination of statute, ordinance, permit, contract, order, or similar means. When existing legal authority is not sufficient, the permittee shall seek the additional authority needed to enable the MS4 Operator to implement the permit.

When existing legal authority is not sufficient to meet the above listed criteria and the MS4 Operator is in the process of seeking authority to meet stated criteria, reasonable extension of a schedule shall be granted to allow the effective legal process to be completed.

The MS4 Operator is allowed to enter into legal contracts or agreements with other MS4s or other entities to manage program activities and discharges from the MS4 area. This action may be a combination of contract, order, or similar means enabling entities to meet the criteria stated in the permit.

The MS4 Operator shall require compliance with conditions in ordinances, permits issued by the MS4, contracts, or orders. The MS4 Operator will ensure inspections, surveillance, and monitoring procedures required to determine compliance with the permit conditions are carried out.

J. Spill Response and Reporting Requirement:

Spills from the permitted area meeting the definition of a spill under 327 IAC 2-6.1-4(15), the applicability requirements of 327 IAC 2-6.1-1, and the Reportable Spills requirements of 327 IAC 2-6.1-5 (other than those meeting an exclusion under 327 IAC 2-6.1-3 or the criteria outlined below) are subject to the Reporting Responsibilities of 327 IAC 2-6.1-7.

It should be noted that the reporting requirements of 327 IAC 2-6.1 do not apply to those discharges or exceedances that are under the jurisdiction of an applicable permit when the substance in question is covered by the permit and death or acute injury or illness to animals or humans does not occur. In order for a discharge or exceedance to be under the jurisdiction of this NPDES permit, the substance in question must have been discharged in the normal course of operation from construction and/or land-disturbing activity.

K. Fees:

In accordance with IC 13-18-20-12, any application for a new permit, renewal of a permit, modification of a permit, or variance from a permit requirement must be accompanied by an application fee, which is currently \$50.00 for this type of general permit. There are no annual operating fees related to this permit.

L. Re-opening Clause:

This general permit may be modified, or alternately, revoked and reissued, after public notice and opportunity for hearing to include any applicable effluent limitation or standard issued or approved under 301(b)(2)(C),(D) and (E), 304 (b)(2), and 307(a)(2) of the Clean Water Act, when the effluent limitation or standard so issued or approved:

- (1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- (2) Controls any pollutant not limited in the permit.

M. Permit Term:

This general permit is proposed to be in effect for a five-year term.

N. Duty to Comply

The MS4 Operator shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of Indiana Code and is grounds for enforcement action, permit termination, revocation and reissuance, modification, or denial of a permit renewal application.

O. Forms, References, and Guidance Documents

The IDEM website will contain information related to each MS4 stormwater general permit, including but not limited to the permit number and contacts. The website will also include applicable forms including the Notice of Intent, Certifications, SWQMP, and annual report. Reference documents will also be available to assist the regulated community and the general public. IDEM is actively pursuing an electronic process that will allow MS4s to submit NOI and NOT information through a regulatory online portal.

U.S. EPA requires the stormwater program under 40 CFR 122.

The following information provides guidance on implementation of the Stormwater program. This guidance may be used by MS4s and provide general information to the public of the methods that an MS4 can use to achieve the requirements that are contained in the permit.

- <https://www.epa.gov/npdes/national-menu-best-management-practices-bmps-stormwater>
- <https://www.epa.gov/npdes/stormwater-discharges-municipal-sources-developing-ms4-program>
- <https://www.epa.gov/npdes/municipal-sources-resources>
- <https://www.epa.gov/npdes/npdes-stormwater-webcasts>
- <https://www.epa.gov/greeningepa/stormwater-management-practices-epa-facilities>
- <https://www.epa.gov/npdes/npdes-stormwater-program>